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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 CHRISTOPHER MERRITT,  
11 Plaintiff,

Case No. 3:15-cv-00497-RCJ-VPC

12 v.

**Order**

13 NEVADA DEPARTMENT OF  
14 CORRECTIONS, et al.,  
15 Defendants.  
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18 On March 31, 2016, the Court issued an order screening Plaintiff's first amended  
19 complaint. (ECF No. 9). The Court granted Plaintiff thirty days in which to file a second  
20 amended complaint to cure deficiencies in his first amended complaint, as outlined in the  
21 Court's screening order. (*Id.* at 15:1-3). Plaintiff filed a motion to extend time requesting an  
22 additional 120 days to file his second amended complaint. (ECF No. 11). The Court issued  
23 its order addressing Plaintiff's motion to extend time on April 18, 2016. (ECF No. 13). The  
24 Court noted that Plaintiff must exhaust his administrative remedies, and gave him until May  
25 9, 2016 to file a notice of voluntary dismissal or to file his second amended complaint. (*Id.* at  
26 4:4-11).

27 On April 29, 2016, Plaintiff filed a motion to dismiss his complaint and pending motions  
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1 with prejudice. (ECF No. 18). Defendants filed their non-opposition to Plaintiff's motion to  
2 voluntarily dismiss with prejudice on May 2, 2016. (ECF No. 19). Despite the title of Plaintiff's  
3 motion, the Court interprets the motion as one for voluntary dismissal in accordance with the  
4 Court's April 18, 2016 order.

5 Accordingly, and based on the foregoing, Plaintiff's motion to dismiss his complaint and  
6 pending motions with prejudice (ECF No. 18) is GRANTED in part.

7 IT IS FURTHER ORDERED that Plaintiff's first amended complaint is hereby dismissed  
8 without prejudice.

9 IT IS SO ORDERED.

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11 DATED this 31st day of May, 2016.

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15 United States District Judge  
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